

IC 32-30

ARTICLE 30. CAUSES OF ACTION CONCERNING REAL PROPERTY

IC 32-30-1

Chapter 1. Statute of Limitations in Actions Concerning Real Estate

IC 32-30-1-1

"Person" defined

Sec. 1. As used in this chapter, "person" means an individual, a partnership, an association, a limited liability company, a corporation, a business trust, a joint stock company, or an unincorporated organization.

As added by P.L.2-2002, SEC.15.

IC 32-30-1-2

"Contract" defined

Sec. 2. As used in this chapter, "contract" means an oral or a written contract.

As added by P.L.2-2002, SEC.15.

IC 32-30-1-3

"Tort" defined

Sec. 3. As used in this chapter, "tort" means an injury to person or property caused by a means other than a breach of contract.

As added by P.L.2-2002, SEC.15.

IC 32-30-1-4

"Date of substantial completion" defined

Sec. 4. As used in this chapter, "date of substantial completion" means the earlier of:

- (1) the date upon which construction of an improvement to real property is sufficiently completed under a contract of construction, as modified by any additions, deletions, or other amendments, so that the owner of the real property upon which the improvement is constructed can occupy and use the premises in the manner contemplated by the terms of the contract; or
- (2) the date of the first beneficial use of the improvement to real property or of any portion of the improvement.

As added by P.L.2-2002, SEC.15.

IC 32-30-1-5

Statute of limitations; general rule

Sec. 5. An action to recover damages, whether based upon contract, tort, nuisance, or another legal remedy, for:

- (1) a deficiency or an alleged deficiency in the design, planning, supervision, construction, or observation of construction of an improvement to real property;

(2) an injury to real or personal property arising out of a deficiency; or

(3) an injury or wrongful death of a person arising out of a deficiency;

may not be brought against any person who designs, plans, supervises, or observes the construction of or constructs an improvement to the real property unless the action is commenced within the earlier of ten (10) years after the date of substantial completion of the improvement or twelve (12) years after the completion and submission of plans and specifications to the owner if the action is for a deficiency in the design of the improvement.

As added by P.L.2-2002, SEC.15.

IC 32-30-1-6

Statute of limitations; applicable to injury or wrongful death occurring during ninth or tenth year after substantial completion

Sec. 6. (a) Notwithstanding section 5 of this chapter, if an injury to or wrongful death of a person occurs during the ninth or tenth year after substantial completion of an improvement to real property, an action in tort to recover damages for the injury or wrongful death may be brought within two (2) years after the date on which the injury occurred, irrespective of the date of death.

(b) However, an action may not be brought more than:

(1) twelve (12) years after the substantial completion of construction of the improvement; or

(2) fourteen (14) years after the completion and submission of plans and specifications to the owner, if the action is for a deficiency in design;

whichever comes first.

As added by P.L.2-2002, SEC.15.

IC 32-30-1-7

Statute of limitations not a defense; persons in actual possession or control of real property

Sec. 7. The limitation set forth in sections 5 and 6 of this chapter (or IC 34-4-20 or IC 32-15-1 before their repeal) may not be used as a defense by a person who is in actual possession or control of the real property, including an owner or a tenant, upon which an improvement has been made at the time the deficiency in the improvement constitutes the proximate cause of the injury or wrongful death for which it is proposed to bring an action.

As added by P.L.2-2002, SEC.15.